



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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Memorandum

Date: February 17, 2016

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **Hayner/Swanson (petitioner) and Pennichuck Water Works, Inc. (owner)** – Special Exception under Section 2.02.7(A)(4) of the Zoning Ordinance to permit the construction of a headwall and associated rip rap within the 25 foot Wetland Buffer. The parcel is located at 16 Daniel Webster Highway and Manchester Street in the I-1 (Industrial) and Aquifer Conservation Districts and 100-year and 500-year Flood Hazard Areas. Tax Map 1D, Lot 001-1. Case #2016-07.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

The subject property is owned by Pennichuck Water Works at the south end of Manchester Street and northwest of the Pennichuck Water Treatment Plant located in Nashua. It is located in the I-1 (Industrial) and Aquifer Conservation Districts and 100-year and 500-year Flood Hazard Areas.

Pennichuck Water Works proposes to install an overflow outlet, structure, pipe and swale leading to Harris Pond within the 25' wetland no-disturb buffer. According to the applicant, the outlet is intended to act as a safety mechanism for the water line they are installing. The Merrimack Conservation Commission made the following recommendation during their February 1, 2016 meeting with the applicant: "The Commission has reviewed the project plans and has no concerns with the disturbance in the buffer area and with the project as presented to us on February 1, 2016." (see attached)

Standard of Review:

Special Exceptions for the undertaking of a use not otherwise permitted in the Wetland Conservation District may be granted by the Zoning Board, *if it can be shown that such proposed use will not conflict with the purpose and intentions of Section 2.02.7(A)(2).*

It is the burden of the petitioner to demonstrate that the overflow outlet structure, pipe and swale within the 25 foot Wetlands Buffer will not conflict with the following 4 "purpose and intent" statements from Section 2.02.7(A)(2) of the Ordinance:

- a) To prevent the development of structures and other land uses on or adjacent to wetlands that would contribute to pollution of surface and ground water;
- b) To prevent the destruction and degradation of natural wetlands that provide flood protection;

- c) To prevent unnecessary or excessive expenses to the Town to provide and maintain essential service and utilities which arise because of inharmonious use of wetlands and adjacent upland areas; and
- d) To encourage those uses that can be appropriately and safely located in and around wetland areas.

cc: Correspondence & Zoning Board File
ec: Mark Fillion, Pennichuck Water Works, petitioner/owner
Steven Auger, Project Manager, Hayner-Swanson, Inc.
Carol Miner and Fred Kelley, Building Department
Tim Tenhave, Chair, Conservation Commission
Robert Best, Chair, Planning Board